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August 9, 2007

Honorable Judge George A. Yanthis
United States Magistrate Judge
Southern District of New York
United States Courthouse
300 Quarropas Street
White Plains, New York 10601

Re: Trustees of the District Council 9 et. al. v. Proper Construction Inc.
Docket No. 07 CIV 5802 (WP4)(GAY)

Dear Honorable Judge Yanthis:

This office represents the plaintiffs in the above matter. This letter makes reference to the Order dated August 2, 2007 directing plaintiffs to advise the Court of the status of the case.

This matter involves the enforcement of a Collective Bargaining Agreement, more specifically, the collection of late charges.

The defendant has been in contact with my office and a settlement has been reached. On August 7, 2007 my office sent to the defendant a settlement agreement and affidavit of confession of judgment to be executed with the first payment due August 28, 2007. Upon receipt of the executed documents we will file with the Court a voluntary notice of dismissal. If the documents are not executed we will prepare and file a notice of default judgment.

Thank you for your assistance and courtesies.

Sincerely,


Dana L. Henke (DLH3025)